

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Sandra Schilling, <i>et al.</i> ,	:	
Plaintiffs	:	Civil Action 2:06-cv-487
v.	:	Judge Sargus
Interim Healthcare of the Upper Ohio Valley, Inc., <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

ORDER

This matter is before the Court on plaintiffs' August 23, 2006 motion for default judgment as to defendants Interim Healthcare of the Upper Ohio Valley, Interim Healthcare of the Upper Ohio Valley Health Protection Plan, and Lance Blankenship (doc. 9).

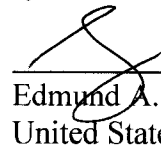
Plaintiffs filed this action on June 19, 2006 to recover employer-sponsored health benefits under the Employee Retirement Income Security Act, 29 U.S.C. § 100, *et. seq.* ("ERISA"). Plaintiffs Sandra Schilling, Charles Schilling, and John Schilling seek compensatory damages in the amount \$9,609.24 for unpaid medical expenses. Plaintiff Janet Boice seeks compensatory damages in the amount of \$27,289.74 for unpaid medical expenses. Plaintiffs also seek prejudgment interest, statutory damages, the cost incurred in effecting service, and attorney fees.

The Magistrate Judge held a hearing on November 20, 2006. Defendant Lance Blankenship failed to appear, nor has he filed any objections to the Magistrate Judge's December 22, 2006 Report and Recommendation recommending that plaintiffs' motion for default judgment be granted. As required by 28 U.S.C. §636(c), the Court has made a *de novo* review of

the Report and Recommendation. Upon *de novo* review, the Court **ADOPTS** the Report and Recommendation.

At the November 20, 2006 hearing, plaintiffs established a *prima facie* case of liability against defendants Lance Blankenship, Interim Healthcare of the Upper Ohio Valley, Inc., and Interim Healthcare of the Upper Ohio Valley Health Protection Plan and proven their damages by a preponderance of the evidence. Consequently, plaintiffs' August 23, 2006 motion for default judgment as to defendants Interim Healthcare of the Upper Ohio Valley, Interim Healthcare of the Upper Ohio Valley Health Protection Plan, and Lance Blankenship (doc. 9) is GRANTED.

The Clerk of Court is **DIRECTED** to enter **JUDGMENT** against defendants Interim Healthcare of the Upper Ohio Valley, Interim Healthcare of the Upper Ohio Valley Health Protection Plan, and Lance Blankenship and in favor of plaintiffs Sandra Schilling, Charles Schilling and John Schilling in the amount of \$9,609.24 in compensatory damages, plus an award of interest upon that amount at the statutory rate since January 1, 2005, and statutory damages under 29 U.S.C. § 1132(c) for failure to provide requested health care information in an amount equal to \$110.00 times the number of days since May 20, 2006 until date of this Court's judgment entry and in favor of plaintiff Janet Boice in the amount of \$27,289.74 in compensatory damages, plus an award of interest upon that amount at the statutory rate since January 1, 2005, and statutory damages under 29 U.S.C. § 1132(c) for failure to provide requested health care information in an amount equal to \$110.00 times the number of days since May 20, 2006 until date of this Court's judgment entry.

 1-16-2007  
\_\_\_\_\_  
Edmund A. Sargus, Jr.  
United States District Judge